

Panaji, 2nd June, 1988 (Jyaistha 13, 1910)

SERIES II No. 9

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 3/17/74-PER(Vol. IV)

In terms of Sub-rule (2) of Rule 30 of the Goa, Daman and Diu Civil Service Rules, 1967 and in consultation with the Union Public Service Commission, New Delhi, as contained in their letter No. F.5/4/(3)/87-AIS dated 23-5-1988, the Government of Goa is pleased to appoint S/Shri R. P. Pal and M. Modassir to the Selection Grade (Grade I) of the Civil Service in substantive capacity with effect from 20-7-1987.

S/Shri Pal and Modassir shall continue to hold the respective posts presently held by them until further orders.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 27th May, 1988.

Home (General) Department

Order

No. 13/3/84/HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (Central Act 65 of 1980), the Government of Goa, being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, North Goa District, Panaji and District Magistrate, South Goa District, Margao, that it is necessary so to do hereby directs that the said District Magistrates may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of their jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 23rd May, 1988.

Education Department

Order

No. 17/Misc/8575/EDN/IV

Shri Luis Fernandes is hereby temporarily appointed on adhoc basis as Lecturer in Structural Fabrication (Mechanical) in Government Polytechnic, Panaji, with effect from 19/4/88 (F.N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time on the initial pay of Rs. 2200/- p. m.

The appointment is subject to the conditions specified in the Office Memorandum No. 17/Misc/8575/Edn dated 8/3/88 and the Rules Regulation laid down by the Government from time to time.

The appointment is purely on adhoc basis and it will not bestow on the appointee any claim for regular appointment promotion to the higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Governor of Goa.

Sd/-, Under Secretary, Education.

Panaji, 16th May, 1988.

Directorate of Education

Order

No. DE/Acad. I/SEZ/Can/2/78/Part. II/1533

Whereas, the Department of Education had received complaints about the non-payment of salaries to the employees of Shri Katyayani Baneshwar Vidyalaya, Kindlem, Pansua-lem, Canacona.

Whereas, enquiries were conducted through the Departmental Officers and necessary instruction to effect the payment were issued.

Whereas, the Department is now satisfied that though the past instalments of maintenance grants/salary portion of the maintenance grants due to the recognised school has been paid, Managing committee of Shri Katyayani Naneshwar Vidyalaya, Kindlem, Pansulem, Canacona has failed to pay the salaries and allowances to its employees for more than 2 months i.e. from February, 1988, even when such employees were discharging their duties in the school.

Whereas, owing to some internal dispute within the Management of the School, it is not possible to disburse the salaries to the employees of the school through Management of the school.

Therefore, Director of Education in exercise of the powers vested in him vide Rule 60 of the Education Rules, 1986 hereby authorise Shri G. M. P. Luis, Asstt. Accounts Officer, South Educational Zone, Margao.

- (i) To draw the unpaid amount of salary portion of maintenance grants which has become due and payable to such school, and have that amount utilised for paying pro-rate the members of the staff of the school against their salaries and allowances if any, which have remained in arrears, detailed account with particulars regarding the disbursement of such amount should however, be maintained separately and care shall be taken to see that amount so drawn is not utilised for any other purpose. If the amount so drawn or any part thereof remains undischarged after the lapse of a month of the date of which it was drawn, the same shall be credited back to the Government treasury by the said Officer.
- (ii) Before, paying to the members of the school staff as stated in (i) above, the officer may require each of them to execute an indemnity bond to the effect that if it is subsequently found that the amount paid to any of them or any portion thereof was not really due to him/her, such amount or portion thereof shall be liable to be recovered from him/her.

- (iii) The amount of maintenance grant drawn and utilised as stated in (ii) above by the officer, for payment to the school staff against their outstanding salaries and all allowances would stand set off against the grant due to the school.

By order and in the name of the Governor of Goa.

S. V. Kurade, Director of Education and Ex-Officio Additional Secretary to Govt. of Goa.

Panaji, 20th May, 1988.

Department of Power

Order

No. 2/37/88-Power

Shri M. N. Waghvadekar, Junior Engineer (Electrical) in the Electricity Department is hereby promoted to the post of Assistant Engineer (Electrical) in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 on ad-hoc basis with immediate effect and posted in Sub-Division II (Rural) Bicholim. This will not bestow a claim for regular appointment. The service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 23rd May, 1988.

Civil Supplies Department

Notification

No. 10/8/79-CSD/PBEC

In exercise of the powers conferred by sub-section (3) of Section 9 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act No. 7 of 1980) and in supersession of Government Notification No. 10/8/LAWD/79-PDEC dated 13-11-1986, the Governor of Goa hereby constitutes for the purposes of the said Act, an Advisory Board consisting of the following, namely:

1. Shri Justice S. K. Desai, Judge, Bombay High Court, Bombay — Chairman.
2. Shri Justice B. M. Sapre, Judge, Bombay High Court, Bombay — Member.
3. Shri Justice C. T. Dighe, Retired Judge, Bombay High Court Bombay — Member.

By Order and in the name of Governor of Goa.

B. V. Desai, Under Secretary (Civil Supplies).

Panaji, 9th May, 1988.

Revenue Department

Notification

No. 22/5/88-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for re-alignment of road from Km. 0.00 to 4.67 Kms. outside built up area to St. Cruz of N. H. 17 Panaji-Karnataka Border Section, (addl. area).

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector (Land Acquisition) Collectorate, Panaji to perform the functions of a Collector, North Goa District, Panaji under the said Act in respect of the said land.

5. The Government also authorise, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector (Land Acquisition) Collectorate, Panaji.
3. The Executive Engineer, Works Division XIII (N.H.), P. W. D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Land Acquisition) Collectorate, Panaji for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Tiswadi		Village: Cujira
Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
11/4 part	1. Shri Antonio Roberto Alvora Moraes. 2. Mrs. Maria Especiosa Arlinda Moraes. 3. Mrs. Ana Francisco Palmera Fernandes. 4. Joao Lino Moraes. 5. Dam Moraes. 6. J. L. Moraes. 7. Antonio Gilberto Moraes.	462.00
Taluka: Tiswadi		Village: Calapur
112 part	O: Comunidade. T: Lease Manuel Gonsalves.	2522.00
		Total 2984.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 22nd March, 1988.

Notification

No. 22/92/87-RD

Whereas by the Government Notification No. 22/92/87-RD dated 24-7-87 published on page 212-215 of Series II, No. 17 of the Official Gazette, dated 24-7-87 and in two newspapers (1) Gomantak dated 30-7-87 (2) Navhind Times dated 3-9-87 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for construction of road from Madalem Candatem to Cansaulim Church via Arossim in V.P. Cansaulim,

And Whereas, the appropriate Government (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, Therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & S.D.O. Mormugao, Vasco-da-Gama to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector & S.D.O. Mormugao, Vasco-da-Gama, till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Mormugao		Village: Arossim	
Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.	
1	2	3	
53/3 part	O: Libanio Costa Sequeira.	560.00	
52/4 "	O: Bernardo Fernandes.	180.00	
"5 "	O: Antonio Francisco Teodoro Costa	250.00	
"2 "	O: Jaime Mendes.	375.00	
50/10 "	O: Joaquim Fernandes.	40.00	
"9 "	O: Santano Higino Gama.	625.00	
70/10 "	O: Anandrao Vishwanath Lotlikar.	12.00	
"2 "	O: Ildaberta Antao.	485.00	
"12 "	O: Joe Francisco Soares.	50.00	
"3 "	O: Anandrao Vishwanath Lotlikar.	148.00	
"8 "	O: Pedrina Barreto.	30.00	
"4 "	O: Petolina Gomes.	10.00	
84/9 "	O: Jose Paclo D'Costa.	275.00	
70/6 "	O: Donato Correia.	135.00	
"7 "	O: Francisco Xavier Ferreira.	20.00	
69/4 "	O: Comunidade of Arossim.	380.00	
	T: Antoneta Dias.		
"5 "	O: Comunidade of Arossim.	60.00	
"6 "	O: Comunidade of Arossim.	405.00	
68/1 "	O: Comunidade of Arossim.	375.00	
	T: Jose Fernandes.		
57/5 "	O: Elezeu Costa.	475.00	
"6 "	O: Elvinda Pereira Andrade.	36.00	
58/2 "	O: Filomena Costa Martins.	825.00	
57/1 "	O: Libania Costa e Sequeira.	6.00	
58/1 "	O: Elvinda Pereira Andrade.	26.00	
58/3 "	O: Allen Octavian Juvenal Gracias.	353.00	
2/1 "	O: Remedio Sequeira.	265.00	
	2. Isidorio Sequeira.		
"11 "	O: Placido Costa.	100.00	
"20 "	O: Grasmitta Carvalho e Gonsalves.	137.00	
"24 "	O: Comunidade of Arossim.	30.00	
"25 "	O: Albino Sequeira.	345.00	
"26 "	O: Aldaberto Antao.	192.00	
1/1 "	O: Fumazonio Gonsalves e Dias.	450.00	
"15 "	O: Olavao Ozario Saldanha.	300.00	
"16 "	O: St. Lawrence Chapel (Property of Arossim).	410.00	
4/14 "	O: Idina Fernandes e Luis.	115.00	
"19 "	O: " "	45.00	
"18 "	O: Idina Fernandes e Luis	320.00	
	Lilia Lopes e Luis.		
"21 "	O: Comunidade of Arossim.	535.00	
"23 "	O: Fumazonio Gonsalves e Dias	188.00	
"16 "	O: Angelina Xavier Fernandes.	218.00	
"24 "	O: Inacio Costa.	25.00	
"25 "	O: Josico Saldanha.	53.00	
5/5 "	O: Idina Fernandes e Luis.	25.00	
	Lilia Lopes e Luis.		
Taluka: Mormugao		Village: Cansaulim	
25/11 part	O: Fumazonio Gonsalves e Dias.	52.00	
63/8 "	O: — do —	200.00	
"9 "	O: Antonio Inacio Correia.	500.00	
"7 "	O: Venuste Barreto.	125.00	

1	2	3
10/1 "	O: Comunidade of Cansaulim. T: Manuel S. Fernandes.	250.00
"2 "	O: Fabrica de Igreja de St. Thomas.	190.00
15/1 "	O: Manelde Jesus Gomes.	300.00
4/2 "	O: Francisco Acursio Barreto e Costa. 2. Fernando Lancisio Costa.	100.00
"3 "	O: 1. Cytia Saldanha Pereira. 2. Rosario F. Barreto.	155.00
11/2 "	O: Joao Francisco Barreto.	145.00
15/2 "	O: Jose Paulo D'Costa.	60.00
14/1 "	O: 1. Francisco Acursio D'Costa. 2. Fernando Lancisio D'Costa.	62.00
"2 "	O: Olga Sheko Gomes D'Costa.	740.00
"5 "	O: Anand Datta Naik.	260.00
"6 "	O: Antonio Xavier Fernandes.	140.00
13/8 "	O: Anand Datta Naik.	5.00
"9 "	O: Antonio Xavier Fernandes.	50.00
"11 "	O: Justina Flarina D'Costa.	100.00
"12 "	O: Maria Linda Pereira Menezes Barbosa.	35.00
13/1 "	O: Justina Floriania D'Costa.	20.00
13/7 "	O: Maria Linda Rodrigues Pereira Menezes Barbosa.	42.00
"13 "	O: Jose Luis.	105.00
18/5 "	O: Jose Luis.	38.00
"4 "	O: Joao Estelito Almeida.	118.00
13/14 "	O: Maria Sabina Costa.	38.00
19/9 "	O: Lodomira Rodrigues e Fernandes.	10.00
18/7 "	O: Antonio Jose Barbono Barbosa e Menezes.	138.00
19/11 "	O: Domingo Santan Rodrigues.	85.00
"12 "	O: Custodio Barreto.	368.00
20/1 "	O: Domingo Santano Rodrigues.	40.00

Taluka: Salcete		Village: Utorda	
112/1 "	O: Antonio Ozario Saldanha.	220.00	
Boundaries:			
North: S. No. 53/3, 52/1, 2, 50/8, 5.			
South: S. No. 53/3, 52/4, 5 50/9.			
East: S. No. 52/3, 50/11, 12, 50/9 and village Utorda.			
West: S. No. 50/9, 10, 52/2, 53/3.			
North: S. No. 70/2, 3, 84/9, 69/4, 5, 57/5, 1, 58/2, 1.			
South: S. No. 70/12, 2, 10, 8, 4, 5, 7, 68/1, 57/6, 558/2, 3.			
East: Road.			
West: Road.			
North: S. No. 63/7, 9 of Village Cansaulim 1/16, 4/14, 17, 16.			
South: S. No. 1/16, 4/18, 19, 22, 23, 24, 25.			
East: S. No. 2/1, 11, 18, 20, 24, 25, 26, 1/1, 15, 18 Road.			
West: South Central R. Line. 1/15, 4/31.			
North: S. No. 25/9, 10.			
South: Road.			
East: Road.			
West: South Central R. Line.			
North: S. No. 63/8, 9, 7 & Road.			
South: S. No. 2/1 of village Arossim.			
East: S. No. 63/7, 8, 9.			
West: South Central R. Line.			
North: S. No. 4/2, Road 10/2, 11/2, 14/1, 2, 5, 13/8, 9, 11, 7, 13, 14, Road 19/11, 12			
South: S. No. 4/3, 15/1, 2, 14/2, 5, 6, 18/1 Road 18/5, 4, 7, 20/1, 2.			
East: S. No. 11/2. & Road.			
West: S. No. 10/1, 2 & Road.			
North: S. No. 112/1.			
South: S. No. 112/1.			
East: S. No. 112/1.			
West: Village Arossim.			

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary (Revenue).

Panaji, 27th May, 1988.

Public Health Department

Order

No. 13/63/87-I/PHD

On the recommendation of the Local Selection Committee Dr. Nimesh V. Pillai is hereby appointed on ad-hoc basis to the post of Jr. Gynaecologist in the pay scale of Rs. 2200-75-2800-EB-100-4000 under the Directorate of Health Services, Panaji and posted at the Primary Health Centre, Ponda with immediate effect against the vacant post of Asstt. Gynaecologist having the same pay scale. This appointment shall be governed by terms and conditions contained in Government Memorandum No. 13/63/87-I/PHD dated 20-4-88.

This appointment will not bestow on him a claim for regular appointment and the services rendered on ad-hoc basis in the grade shall not count for purpose of seniority in that grade or eligibility for promotion to the next higher grade. Dr. Nimesh V. Pillai has been medically examined and found fit by the Medical Board., Goa Medical College, Panaji. The appointment is subject to the verification of his character and antecedents.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji 19th May, 1988.

Industries Department

Addendum

No. 3/99/78-ILD-Vol. III

Read:- Govt. Order No. 3/99/78-ILD-Vol. III, dated 16-1-1988.

The following para shall be added after para 1 of the Government Order quoted above.

"Shri A. V. Palekar (Deputed Officer) may prefer his monthly pay bill for gross amount under the respective Budget Head of Directorate of Industries & Mines. He shall request in his pay bill that the Cheques for the gross amount may be drawn in favour of Economic Development Corporation. The E. D. Corporation after receiving the Cheque, may account for the deductions and pay him the net amount due."

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 12th May, 1988.

Addendum

No. 3/99/78-Vol. III

Read: Government Order No. 3/99/78-ILD-Vol. III, dated 28-12-1987.

The following para shall be added after para 1 of the Government Order quoted above.

"Shri Sudhir M. Dessai may prefer his monthly pay bill for gross amount under the respective Budget Head of Directorate of Industries and Mines. He shall request in his pay bill that the Cheque for the gross amount may be drawn in favour of Goa Auto Accessories Limited, Honda-Satari. The Goa Auto Accessories Limited, after receiving the Cheque, may account for the deductions and pay him the net amount due."

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 19th May, 1988.

Department of Mines

Order

No. 5/4/88-ILD

Whereas Shri S. Radhakrishnaiah of Curchorem, Goa (hereinafter called the 'lessee') has been granted a mining lease No. 3/Mn/76 dated 30-10-1976 for manganese ore over an area of 7.1270 Has. situated at Revora of Bardez Taluka (hereinafter called the 'said lease');

And whereas it has been noticed that the lessee has not paid the dead rent for the period 1983 to 1986 and has thus committed breach of provisions of Section 9(a) of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) read with clauses 1 and 2 of Part V of the Mining Lease deed executed on 30-10-1976 in favour of the lessee;

And whereas a notice bearing No. 67/19/84-Mines/1146 dated 27-4-1987 (hereinafter called the 'said notice') was issued to the lessee under sub-rule (5) of rule 27 of the Mineral Concession Rules, 1960, calling upon him to remedy the said breach within a period of sixty days from the date of receipt of the said notice;

And whereas the lessee has failed to remedy the said breach within the stipulated period as laid down therein.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of rule 27 of the Mineral Concession Rules, 1960, the Government of Goa hereby determines the said mining lease granted to Shri S. Radhakrishnaiah with immediate effect and forfeits the whole of the security deposit without prejudice to any other proceeding that may be taken against him.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 13th May, 1988.

Department of Labour

Order

No. 28/14/88-ILD

Whereas the Government of Goa is of the opinion than an industrial dispute exists between the management of M/s. Goa Bottling Company Private Limited, Corlim and their workman Shri Honu Gaude in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter called the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Goa Bottling Company Private Limited, Corlim Industrial Estate, in terminating the services of Shri Honu Gaude, Driver, with effect from 18th Decembr, 1987 is legal and justified?

If not, what relief the workman is entitled to?

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 23rd May, 1988.

Order

No. 28/81/84-ILD

Whereas by Government order No. 28/81/84-ILD dated September 30, 1985 (hereinafter called the 'said Order'), the industrial dispute between the management of M/s. Chowgule and Company Private Limited Mormugao Harbour—Goa, and their workman Shri Joaquim Fernandes, Mechanic Fitter, resident of Alsona, Bardez-Goa in respect of the matter specified in the Schedule to the said Order (hereinafter called the 'said dispute'), was referred for adjudication to the Industrial Tribunal of Goa, Daman and Diu in terms of clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter called the 'said Act');

And whereas the Government of Goa desires to amend the Schedule to the said Order so as to enlarge the terms of reference of the said dispute.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the said Act, the Government of Goa hereby amends the Schedule to the said Order as follows, namely:—

After para 1 of the existing Schedule to the said Order, the following para shall be added, namely:—

"Whether the action of the employer M/s. Chowgule and Co. Pvt. Ltd., Mormugao Harbour, Goa (Shipbuilding Division) in not re-employing Shri Joaquim S. Fernandes, Mechanic, Fitter, from 12-1-1982 is legal and justified?"

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 23rd, May, 1988.

Order

No. 28/46/86-ILD

The following Award given by the Industrial Tribunal, Goa Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 11th May, 1988.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No.: IT/32/86

Shri Gokuldas G. Gad. — Party I

V/s.

M/s. Goa Resistors Pvt. Ltd. Collem. — Party II

Panaji Dated: 27-4-1988

AWARD

This is a reference made by the Government of Goa by its Order No. 28/46/86-ILD dated 5th November, 1986 with an annexure scheduled thereto which reads as follows:

"Whether the action of the management, M/s. Goa Resistors at Collem, in terminating the services of Shri Gokuldas G. Gad, Helper, with effect from 7-6-1976 is legal and justified?"

If not, to what relief the workman is entitled to?"

2. In this reference a very typical situation has arisen. The Government have made the reference against M/s. Goa Resistors at Collem in respect of the workman by name Shri Gokuldas G. Gad, regarding the termination of his services by Party II w.e.f. 7-6-1986 and this Tribunal has

to investigate into the matter to know whether the alleged termination is both legal and justified. In this reference received by this office on 7-11-86 no action was taken because the post of the Presiding Officer was vacant and after I took over, notices were issued to the parties on 14-1-1988 and on the returnable dated which was 26-2-1988 the workman remained absent but one Mr. Vijay Yeshwant Kejrekar, who was Accounts Manager of Party II/Employer appeared on authority of the management and took time for filing written statement. As the workman was absent the matter was adjourned to 28-3-1988. On 28-3-1988 the workman was found to be again absent but Yeshwant Kejrekar who was present filed an application for adjournment and the matter was posted to 25-4-1988. The workman who was absent had sent an application by post and the application written in hand dated 16-2-1988 made a strange reading and it indicated that the workman was either mentally deranged or he was out of wits because he had demanded compensation of Rs. 2 lakhs and 40 thousand. Feeling that the workman did not understand the Court proceedings correctly I directed that the workman be informed by letter for appearing in Court on 25-4-1988.

3. On 25-4-1988 the typical position happened in as much as Employer/Party II or his representative were both absent but the workman was present in person. Neither of the Party had filed the claim statement nor the written statement and as the employer was absent the workman was put into witness box and his statement was recorded. The very first question put to the workman indicated that he was not in a sound mental position and I made the following note "It is noticed that the witness is giving irrelevant replies but understands questions put to him to some extent". In reply to next question he stated that the Opponent/Employer removed him from the services and asked him to go to Court. The further two replies were somewhat irregular and the witness appeared to be in a vexed mood. There was obviously no question of any cross examination as the employer was absent.

4. With this position obtaining in the case, it is a question as to what should be done in the matter wherein I am supposed to pass an ex-parte award and what relief should be given to the workman. The Government reference undoubtedly states that the Tribunal should investigate in the matter to find out whether the termination of the workman from service is just and legal and in that event the Tribunal should decide what relief should be awarded to the workman. As the employer is absent the termination from services has got to be held unjust and improper. Further, I feel that it would be rather hazardous and risky to install such a workman on the management by giving him the relief of reinstatement into services. I feel that it would be unjust and improper to direct the reinstatement of such a workman into services. I could have directed that the management before taking the workman into service should get the workman examined from a medical board to find out whether he is in a fit and sound mental position to discharge his duties which he was doing prior to his removal from service on 7-6-1986. I feel that it is rather cumbrous procedure and would not have served the proper purpose. I therefore feel that while investigating the matter of dismissal u/s IIA of the Industrial Disputes Act and while setting aside the order of dismissal, I should see whether the reinstatement of the workman should be directed or give such other relief to the workman in lieu of discharge or dismissal as the circumstances of the case may require. I propose to consider this and to give him other relief and I propose to treat the matter of discharge from service as retrenchment u/s 25 F of the Act and as stated u/s 25 F sub-section (a) and (b) of the Act, I propose to give relief to the workman of salary of one month in lieu of notice and retrenchment compensation for a period of 4 years at the rate of 15 days average pay per year beginning from 1985. This is the only relief which I can give to the workman in the circumstances of the case. In the result, I pass the following order:

ORDER

The termination of the workman Shri Gokuldas G. Gad, w.e.f. 7-6-1986 is held as not legal and not justified. For relief, instead of directing the reinstatement, it is directed that the management of M/s. Goa Resistors do pay to the workman a salary equivalent to one month in lieu of notice and also retrenchment compensation equivalent of 15 days average pay for every completed year of continuous service for 4 years. The pay to be computed for the notice pay and retrenchment compensation shall be equivalent to last pay drawn by the workman in May, 1986. In other words,

the management do pay the workman a salary for 3 months equivalent to the salary drawn by him in May, 1986.

There shall be no order as to costs. The award be reported to the Government.

S. V. NEVAGI

Notification

No. 26/3/88-ILD

In exercise of the powers conferred by section 20 of the Indian Boilers Act, 1923 (Central Act 5 of 1923) read with rules 58 and 59 of the Goa, Daman and Diu Boiler Rules, 1983, the Government of Goa hereby constitutes an Appellate Authority consisting of the following persons:—

1. Shri Shakti Sinha, Secretary (Labour) — President.
2. Shri R. D. Kossambe, Ex Engineer (PWD) — Assessor.
3. Shri S. M. Nadkarni, Ex. Engineer (PWD) — Assessor.
4. Shri P. S. Khandeparkar, Ex. Engineer (PWD) — Assessor.
5. Shri M. Durairaj, Ex. Engineer (Elec.) — Assessor.
6. Shri T. R. Raman, Ex. Engineer (Elec.) — Assessor.
7. Shri S. K. Dutta, Ex. Engineer (Elec.) — Assessor.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 17th April, 1988.

Finance (Expenditure) Department

Order

No. 6-1-87-Fin(Exp)

The Government is pleased to order with immediate effect the transfer and posting of the following Assistant Accounts Officers as indicated below:—

Sr. No.	Name of the Officer and present posting	Transferred and posted at
1	2	3
1.	Shri S. V. Borkar, presently on deputation to Institute of Public Assistance, Panaji.	Directorate of Accounts, Panaji on his reversion from deputation from the Institute of Public Assistance, Panaji.
2.	Shri G. V. Volvoikar, Directorate of Accounts, Panaji.	Government Polytechnic, Panaji vice Shri A. V. S. Khandeparkar whose services have been placed at the disposal of Institute of Public Assistance, Panaji.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Under Secretary, Finance (Exp.).

Panaji, 24th May, 1988.

Order

No. 6-2-85-Fin (Exp) Pt. file

Government is pleased to place the services of Shri A. V. S. Khandeparkar, Assistant Accounts Officer, Government Polytechnic, Panaji at the disposal of the Institute of Public Assistance for his appointment in the Institute of Public

Assistance as Asstt. Accounts Officer by transfer on deputation vice Shri V. S. Borkar, Asstt. Accounts Officer repatriated. The terms and conditions of Shri Khandeparkar's deputation will be the same as contained in the Government of India, Ministry of Finance Office Memorandum No. F.1(II)-B-III(B)/73, dated 7/11/1975 as amended from time to time.

The Institute of Public Assistance shall be liable to pay to Government leave salary and pension contribution of Shri A. V. S. Khandeparkar at the prescribed rates. The deputation will be for a period of one year in the first instance.

This order shall take immediate effect.

By order and in the name of Governor of Goa.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 23rd May, 1988.

Notification

No. 14/17/84/Fin(R & C)Part-I

Read:—Government order No. 3/13/85-PER(VOL.IV) dated 6-4-1988.

In exercise of the powers conferred by sub-section (1) of section 2A of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act No. 2 of 1964) (hereinafter called the 'said Act') the Government of Goa hereby appoints Shri N. Rajasekhar, Grade I Officer of Goa Civil Service, as Commissioner of Entertainment Tax for carrying out the purposes of the said Act with immediate effect until further orders.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Under Secretary Finance (Exp.).

Panaji, 24th May, 1988.

Notification

No. 6/4/86-Fin(R&C)

Read:—Government Order No. 3/13/85-PER(Vol.IV) dated 6-4-1988.

In exercise of the powers conferred by sub-section (1) of section 3 of the Goa, Daman and Diu Excise Duty Act, 1964 (Act No. 5 of 1964) (hereinafter called the 'said Act'), the Government of Goa hereby appoints Shri N. Rajasekhar as Commissioner of Excise for the purposes of the said Act, with immediate effect until further orders.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 25th May, 1988.

Notification

No. 6/4/86-Fin(R&C)

Read:—Government Order No. 3/13/85-PER(Vol.IV) dated 6-4-1988.

In exercise of the powers conferred by sub-section (1) of section 3 of the Goa, Daman and Diu Sales Tax Act, 1984 (Act No. 4 of 1964) (hereinafter called the 'said Act'), the Government of Goa hereby appoints Shri N. Rajasekhar as Commissioner of Sales Tax for carrying the purpose of the said Act, with immediate effect until further orders.

By order and in the name of the Governor of Goa.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 25th May, 1988.